

ITEM: 19

SUBJECT: City of Tracy Wastewater Treatment Plant, San Joaquin County

BOARD ACTION: *Consideration of Administrative Civil Liability Supplemental Environmental Project*

BACKGROUND: The City of Tracy (hereafter Discharger) owns and operates the Tracy Wastewater Treatment Plant (WWTP), which provides sewerage services to the City of Tracy. On 21 October 2003, the WWTP experienced a dechlorination system failure resulting in the discharge of highly chlorinated effluent to Old River in violation of Waste Discharge Requirements Order No. 96-104 (NPDES No. CA0079154). The Discharger failed to provide adequate controls and redundancy to prevent the release of chlorinated effluent, failed to maintain adequate standard operating procedures and emergency/contingency plans, and failed to properly respond to the large release of chlorine.

On 16 September 2005, the Regional Board held a hearing to consider the assessment of administrative civil liability and adoption of a tentative ACL order, which proposed administrative civil liability in the amount of \$120,000. The Regional Board concluded that it was appropriate, after considering the factors in California Water Code section 13385, to assess civil liability in the amount of \$80,000, with 50 percent going towards an acceptable supplemental environmental project (SEP). It continued the hearing to a later date to allow for consideration of an alternative SEP to that already proposed.

On 28 September 2005, the Discharger proposed a new SEP with a total budget of \$40,000. The SEP is a riparian habitat restoration project to be implemented by River Partners. The proposed SEP involves planting wildlife habitat on the west side of the abandoned/decommissioned Army Corps of Engineers levees on the Vierra Unit of the San Joaquin River National Wildlife Refuge. Details of the SEP proposal are provided in Attachment A of the tentative Order.

ISSUES None

Mgmt. Review _____
Legal Review _____

21/22 October 2005
11020 Sun Center Drive #200
Rancho Cordova